

RICKARD DENNIS ANDERSON,	)	No. C 05-0178 SBA (pr)
	)	
Plaintiff,	)	<u>ORDER DISMISSING</u>
	)	<u>ACTION WITHOUT</u>
v.	)	<u>PREJUDICE</u>
	)	
JUDGE SAUNDRA B. ARMSTRONG, et al.,	)	(Docket nos. 1, 3, 4)
	)	
Defendants.	)	

Plaintiff has named the undersigned judge as one of the defendants in this action. 28 U.S.C. § 455 requires a judge to disqualify herself in any proceeding in which her impartiality might reasonably be questioned. See 28 U.S.C. § 455(a). As a federal judge is presumed to be impartial, a substantial burden is imposed on the party claiming bias or prejudice to show that this is not the case. See United States v. Zagari, 419 F. Supp. 494, 506 n.30 (N.D. Cal. 1976). In the instant case, Plaintiff has not sought to have the undersigned judge disqualified from this action. Furthermore, there does not exist a good faith basis for seeking recusal or disqualification of the undersigned judge. See 28 U.S.C. §§ 144 and 455. The only contact Plaintiff has had with the undersigned judge is through her written orders in his cases. Judicial rulings, however, almost never constitute a valid basis for a recusal motion. See Liteky v. United States, 510 U.S. 540, 555 (1994). Recusal is required only if the alleged judicial bias

1 or prejudice stems from an extrajudicial source, and not from conduct or rulings made during the course  
2 of the proceedings. See Toth v. TWA, Inc., 862 F.2d 1381, 1387-88 (9th Cir. 1988). Absent any  
3 alleged judicial bias or prejudice stemming from an extrajudicial source, the fact that the undersigned  
4 judge is named as one of the defendants does not mandate recusal in the instant case.

5 Accordingly, the IFP applications are therefore DENIED and the action is DISMISSED  
6 without prejudice. All pending motions are TERMINATED. The Clerk of the Court shall close the file.

7 IT IS SO ORDERED AND ADJUDGED.

8  
9 DATED: April 25, 2005

10 s/Saundra Brown Armstrong  
SAUNDRA BROWN ARMSTRONG  
11 United States District Judge  
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